

RESOLUTION No. 2008-01-688-Z-74

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DENYING THE APPLICATION SUBMITTED BY GEORGE AND VICTORIA EPPS FOR AN UNUSUAL USE FOR A DAYCARE CENTER IN ACCORDANCE WITH SECTION 33-13 OF THE CITY CODE; AND FOR A NON-USE VARIANCE OF PARKING REQUIREMENTS TO ALLOW PARKING SPACES AND DRIVES 5.0 FEET WITHIN THE OFFICIAL RIGHT-OF-WAY LINES OF N.W. 168TH TERRACE AND N.W. 32ND AVENUE WHERE A MINIMUM OF 25.0 FEET IS REQUIRED; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, George and Victoria Epps on behalf of Cornerstone Community Outreach Center ("Applicant"), have applied for an unusual use to permit a Day Care Center, along with a variance for parking and drives for property located at 3196 N.W. 168th Terrace, more particularly described on Exhibit "A" attached hereto, and

WHEREAS, the Applicant seeks the following approvals:

1. An UNUSUAL USE for a daycare center in accordance with Section 33-13 of the City Code;
2. A NON-USE VARIANCE OF PARKING REQUIREMENTS to allow parking spaces and drives 5.0 feet within the official right-of-way lines of N.W. 168th Terrace and N.W. 32nd Avenue (minimum 25.0 feet required), and

WHEREAS, the City Council held a public hearing on the application on January January 2, 2008, and

WHEREAS, the City's Planning & Zoning staff recommends denial of the application, and

WHEREAS, the City Council considered the testimony of the Applicant, if any, and

MOVED BY: Vice Mayor Watson

SECONDED BY: Councilman Braynon

VOTE: 7-0

Mayor Shirley Gibson

X (Yes) (No)

Vice Mayor Barbara Watson

X (Yes) (No)

Councilman Melvin L. Bratton

X (Yes) (No)

Councilman Aaron Campbell

X (Yes) (No)

Councilman André Williams

X (Yes) (No)

Councilwoman Sharon Pritchett

X (Yes) (No)

Councilwoman Oscar Braynon, II

X (Yes) (No)

SKD/yt

269952_1.DOC

WHEREAS, the City Council also considered the testimony of the City's Planning & Zoning staff, and the Staff Report attached hereto as Exhibit "B," incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

Section 2. DENIAL: The City Council of the City of Miami Gardens, hereby Denies the application submitted by the Applicant as follows:

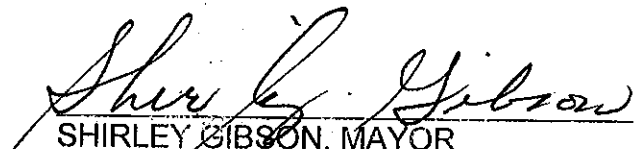
1. An UNUSUAL USE for a daycare center in accordance with Section 33-13 of the City Code;
2. A NON-USE VARIANCE OF PARKING REQUIREMENTS to allow parking spaces and drives 5.0 feet within the official right-of-way lines of N.W. 168th Terrace and N.W. 32nd Avenue (minimum 25.0 feet required), and

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS HELD ON JANUARY 2, 2008.

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK


SHIRLEY GIBSON, MAYOR

Prepared by SONJA K. DICKENS, City Attorney

SPONSORED BY: DANNY CREW, CITY MANAGER

EXHIBIT A – LEGAL DESCRIPTION

Exhibit "A"

Lot(s) 1, 2, 3, 4, 5, 6, Block 4 of "Golden Glades Park" according to the plat thereof PB 39, Page 46 of the Public Records of Dade County, FL.

EXHIBIT B – STAFF RECOMMENDATION

STAFF RECOMMENDATION –GEORGE AND VICTORIA EPPS
PH-2007-0001

Applicant(s): George and Victoria Epps
Project Name: Cornerstone Community Outreach Center
Project Type: Place of Public Assemblage
Location: 3196 N.W. 168th Terrace
Lot Size: 15,225 sq. ft. or ± 0.35 acre
Building Size: 2,280 sq. ft. or ± .05 acre
Existing Zoning: RU-1, Single Family Residential District
Future Land Use: Neighborhood
Requested Action(s):

1. SPECIAL EXCEPTION to permit a church in an RU-1 district;
2. NON-USE VARIANCE OF SETBACK AND SPACING REQUIREMENTS to allow a place of public assemblage to set back 7.5 feet from the side (south) property line (minimum 50 feet required), and spaced 60.5 feet from the residential building to the east (minimum 75.0 feet required);
3. NON-USE VARIANCE OF PARKING REQUIREMENTS to allow a place of public assemblage with 18 parking spaces (minimum 33 required);
4. NON-USE VARIANCE OF PARKING REQUIREMENTS to allow parking spaces and drives 5.0 feet within the official right-of-way lines of N.W. 168th Terrace and N.W. 32nd Avenue (minimum 25.0 feet required).

RECOMMENDATION:

Recommendation of denial of the Resolution to approve a special exception to allow a place of public assemblage with associated variances.

The applicant is requesting a deferral of the application to allow time to amend their plans to request a proposed daycare with associated variances, in addition to the requested church.

REVIEW AND ANALYSIS

Neighborhood Land Use Characteristics

Property	Zoning	Existing Use	Future Land Use
Site	RU-1, Single-Family District	Single Family Residence	Neighborhood
North	RU-1, Single-Family District	S-F Residence (NE) & Church (NW)	Neighborhood
South	RU-1, Single-Family District	Church	Neighborhood
East	RU-1 Single-Family District	Single-Family Vacant Lot	Neighborhood
West	IU-C, Conditional Industrial	Industrial Plant	Commerce

The 0.35 acre subject property is located at the southeast corner of N.W. 168th Terrace and N.W. 32nd Avenue, just north of the Palmetto Expressway. The northerly properties along N.W. 168th Terrace are zoned RU-1 and comprise a mixture of small churches and single-family residences. The property immediately south of the site is developed with a private school, Emanuel Christian Academy, which is a part of the larger site that includes the church Iglesia Bautista Hispana Emanuel and a daycare center. These 3 facilities cover approximately 4.7 acres, stretch east all the way to the end of the block on N.W. 29th Avenue, and have frontages on both N.W. 167th Street and N.W. 168th Terrace. There are two (2) other churches operating out of single-family residences located in the vicinity of the subject property along the north side of N.W. 168th Terrace. There are no Miami-Dade County zoning records confirming the appropriate zoning approvals have been granted allowing the church uses on these single family properties. The property immediately on the Westside of N.W. 32nd Avenue, comprises roughly 7.5 acres and is developed with a Goodrich industrial manufacturing plant.

Zoning History

On April 5, 2006, the City Council of the City of Miami Gardens passed and adopted Resolution 2006-29-375-Z-48 (attached), denying without prejudice a request for an unusual use to establish a daycare and a special exception to permit a church, and denying without prejudice the variances requested with both uses. The denial without prejudice does not allow the same requests to be filed on the property within one (1) year of the denial. The applicant has complied with the one (1) year prohibition.

Consistency with Comprehensive Development Master Plan

The subject property is designated Neighborhood on the adopted 2006-2016 Land Use Plan (LUP) Map of the Future Land Use Element (FLUE) of the Comprehensive Development Master Plan (CDMP) of the City of Miami Gardens.

Objective 1.2, the "Neighborhood" Land Use Designation states:

"The Neighborhood land use designation applies to areas intended for low and medium density residential development with supporting commercial and office uses. The designation of Neighborhood is specifically intended to protect single family homes from encroachment or intrusion from incompatible uses."

Objective 2.2 Performance Criteria for Public and Semi-Public Uses states:

"The Land Development Regulations/Zoning Code shall include performance criteria to ensure that public and semi-public uses, such as utilities, schools, parks, and other similar uses, occur in a manner that benefit the City residents and minimizes impacts on adjacent properties"

Furthermore, Policy 2.2.1 Public and Semi-Public Uses, In General states:

“Public and semi-public uses and facilities include a range of unusual and special activities that shall be specifically identified and regulated through the City’s land development regulations.

- *Public/Semi-public uses are allowed in any of the future land use categories, subject to intensity, buffering, and location standards.*
- *The development intensity of public/semi-public uses shall not exceed a maximum of 0.5 floor area ratio.*
- *Public and semi-public uses include facilities such as elementary, middle, high schools, parks, houses of worship, hospitals, and utilities”*

The applicants are seeking to establish a church on the subject property. The CDMP’s policies considers places of worship as semi-public uses which are allowed in all land use designations subject to intensity, buffering, and location policies. In this case, the location and buffering of the property from adjacent residential issues is adequate considering the non-residential uses in the vicinity of the property, however, the intensity of the use and the performance criteria set forth in the Zoning Code for the required off-street parking are of concern. The significant lack of off-street parking and the location of the parking areas to the rights-of-way on the property will create negative impacts to the traffic circulation for this neighborhood, which may not be in the best interest and safety of the general public. The potential of parking on the rights-of-way, and the stacking and standing of vehicles on the rights-of-way when the church is operating at capacity will have detrimental impacts on the surrounding area.

Conclusion:

The proposed church is of an intensity that the undersized property does not allow the provision of adequate parking and spacing for stacked vehicles without potential detrimental impacts on the surrounding area. Therefore, the proposed church on this property cannot comply with the performance criteria set forth in the Zoning Code, and would be an intrusion to the neighborhood, which is not consistent with the goals, objectives, and policies of the City’s Comprehensive Development Master Plan.

Zoning Criteria and Additional Analysis

The subject property is 15,225 square feet (0.35 acres) in size and is developed with a single-family residence on several lots platted by the plat thereof known as “Golden Glades Park”. The property is located at the southeast corner N.W. 32 Avenue and N.W. 168 Terrace. The applicant is proposing to convert the one story 2,280 square feet home into a church with approximately 1,550 square feet of assembly area. The plans submitted depict the home is being renovated to accommodate the church use with the assembly area, restrooms, offices, pulpit, and storage area. The existing home does not meet the spacing and setback requirements of a church, and the proposed parking is calculated based on the assembly area and ancillary office uses requiring the use to have thirty-three(33) parking spaces.

The Applicant’s requests were evaluated under the scope of the following Zoning Code sections.

Section 33-311(A)(3) Special Exceptions (for all applications other than public charter schools), Unusual and New Uses Criteria states:

"The City Council may approve an application for a special exception and/or unusual use upon showing that it would not generate or result in excessive noise or traffic, cause undue or excessive burden on public facilities, or other such facilities which have been constructed or which are planned and budgeted for construction; is accessible by private or public roads, streets or highways; and would not provoke excessive overcrowding or concentration of people or population, when considering the compatibility of the applied for exception or use with such area and its development."

Pursuant to Section 33-311(A)(4)(b) Non-Use Variance Criteria, states:

"The City Council, upon appeal or direct application in specific cases, shall hear and grant applications for non-use variances from the terms of the zoning and subdivision regulations and may grant a non-use variance upon a showing that the request maintains the basic intent and purpose of the zoning, subdivision and other land use regulations, will be otherwise compatible with the surrounding land uses, and would not be detrimental to the community. No showing of necessary hardship to the land is required."

The proposed church is providing only eighteen (18) of the required thirty-three (33) parking spaces, just over 50% of the required, and the parking areas as located as such as to be spaced and setback minimal distances from the rights-of-way. The de minimis traffic generation of the proposed church, even though, will not impact the level of services of the roadways in the area, will impair the safe traffic flow in the event of vehicles stacking and parking along N.W. 168 Terrace, and along N.W. 32 Avenue as the limited church parking area becomes congested. The design of the parking on the small site does not allow for adequate circulation, stacking, or drop-off-pick-up for this semi-public type use.

Conclusion:

The applicant's requests for a special exception with associated variances to allow a church do not comport with criteria set forth in Section 33-311(A)(3) and are contrary to the basic intent and purpose of the zoning, land use and subdivision regulations, and hence detrimental to the community.

Public Facilities Impact

Water and Sewer: The site is already connected to both central water and central sewer services. Existing public water facilities and services meet the Level of Service (LOS) standards set forth in the CDMP. If approved, the proposed church will not result in a reduction in the LOS standards.

Traffic Circulation: According to the Traffic Engineering Division of the Miami-Dade County's Public Works Department and based on the "Guidelines for Estimating Trip Generation" of the *Trip Generation Handbook, Seventh Edition* by the Institute of Transportation

Engineering, with a proposed assembly area of 1,500 square feet, the proposed church will generate a maximum of 34 PM Peak Hour Trips, with 17 entering and 17 exiting the site. N.W. 168th Terrace and N.W. 32nd Avenue, which provide access to the site, operate at levels of service (LOS) B or better. Consequently, the accrued number of trips that will be generated from this church will have a de minimis impact on the levels of service of said roadways.

Drainage/Water Management: Per code requirements, all stormwater runoff must be retained on site utilizing properly designed infiltration or seepage type system; the first half inch of runoff shall be treated before excess runoff is discharged in the aquifer should the impervious area of the site be greater than 40%. As per the submitted plans, the new building does not represent a major departure in terms of location and footprint from the existing single-family residence currently on the site, however, the paved area of the parking lot would otherwise affect the drainage patterns of the property, of which drainage plans would have to be approved prior to building permit issuance.

Public Notification/Comments

In accordance with the Zoning Code, notification of the applicant's requests was mailed to property owners within five-hundred (500) feet of the subject site to provide them an opportunity to comment on the application. No comments were received from any of the property owners within that radius. (See Mailed Notice Radius Map, attached).

This recommendation to approve, on a modified basis, part of this application does not constitute final development order; one or more concurrency determinations will subsequently be required.

Attachments

Public Hearing Checklist
Letter of Intent
Hearing Map- Zoning
Hearing Map- Aerial
Mailed Notices Affidavit
Mailed Notice Radius Map
Resolution 2006-29-375-Z-48
Submitted Plans

PUBLIC HEARING CHECKLIST



The City Of Miami Gardens

Development Services

Public Hearing Departmental Checklist

APPLICATION INFORMATION

Applicant Name: George Epps and Victoria Epps
Project Name: Cornerstone Community Outreach Center
Project Location: 3196 NW 168th Terrace
Process Number: PH-2007-000001 Public Hearing Scheduled Date: Dec. 5, 2007
Public Hearing Representative:
Registered Lobbyist : ☐ NO ☐ YES If not, explain:

APPLICANT'S REQUEST

☐ District Boundary Change ☐ Use Variance ☐ Non-Use Variance ☒ Unusual Use ☒ Special Exception
☐ Small-Scale Amendment ☐ Modification of Resolution ☐ Modification of Declaration or Covenant

DEPARTMENT REVIEW

Departmental procedures prior to public hearing

Mandatory

- ☒ Completed Application
- ☒ Letter of Intent
- ☒ Legal Description (electronic)
- ☒ Fees Collected
- ☒ 2 Sets of Original Plans
- ☒ 1 set of 8½ x 11 of Plans
- ☒ Digital copies of plans
- ☒ Survey

☒ Site Plan Review

1. Electronic Plans (.pdf & .dwg)
2. Site Plan
3. Floor Plan
4. Elevation Plan
5. Landscape Plan
6. Survey
7. Architectural Renderings

If applicable

- ☐ School Checklist
- ☐ School Board Report
- ☐ Traffic Study
- ☐ Economic Impact Analysis
- ☐ Environmental Impact Statement
- ☐ Neighborhood Outreach
- ☐ Proffered Community Amenities
- ☐ Liquor Survey

ADMINISTRATIVE ACTIONS

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> DIC Meeting (if applicable) | <input checked="" type="checkbox"/> Preliminary Notice | <input checked="" type="checkbox"/> Posting Signs (Public Works) |
| <input checked="" type="checkbox"/> Radius Map | <input checked="" type="checkbox"/> Final Notice | <input checked="" type="checkbox"/> Staff Recommendation |
| <input checked="" type="checkbox"/> Zoning Map | <input checked="" type="checkbox"/> Layman's Notice | <input checked="" type="checkbox"/> Notify Applicant |
| <input checked="" type="checkbox"/> Aerial Map | <input checked="" type="checkbox"/> Full Legal Advertisement | <input checked="" type="checkbox"/> Proposed Resolution or Ordinance |

☒ Site Visit Date: 10/31/07

By: Cyril Saiphoo

RECOMMENDATION OUTLINE

1. Summary

2. City Council Action – (2nd reading)

3. Recommendation

4. Review and Analysis

- Neighborhood Land Use Characteristics
- Land Use Analysis (consistency with CDMP)
- Zoning Analysis (compliance with zoning code)
- Concurrency Analysis (water & sewer, traffic, schools and/or drainage/irrigation)
- Code Enforcement Violation Notice
 - ☐ Yes (attached)
 - ☒ No

5. Attachments

- ☒ Letter of Intent
- ☒ Zoning Map
- ☒ Aerial Map
- ☒ Radius Map
- ☒ Plans
- ☐ School Board Report (if any)
- ☐ Traffic Study (if any)
- ☐ Economic Analysis (if any)
- ☐ Environmental Impact Statement (if any)
- ☐ Historical Information - (if any)
 - Declaration of Restriction
 - Unity of Title
 - Resolution
- ☐ Proposed Resolution or Ordinance
- ☐ Proffered Declaration of Restrictions

ZONING AGENDA DECISION

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

Date:

Action: ☐ Introduction ☐ Deferred ☐ Rescheduled ☐ Resolution ☐ 1st Reading ☐ 2nd Reading
Result: ☐ Approved ☐ Approved with Conditions ☐ Denied

LETTER OF INTENT

APRIL 06-07

Letter of Intent

(1) A SPECIAL EXCEPTION TO PERMIT A Church into A RUL-ZONING.

(2) IN ADDITION we request A WAIVER OF the ZONING REGULATIONS, REQUIRING A CONCRETE WALL between, DISSIMILAR land use,, to WAIVE same to ALLOW A CHAIN LINK fence, between the church AND, the single-family to the east.

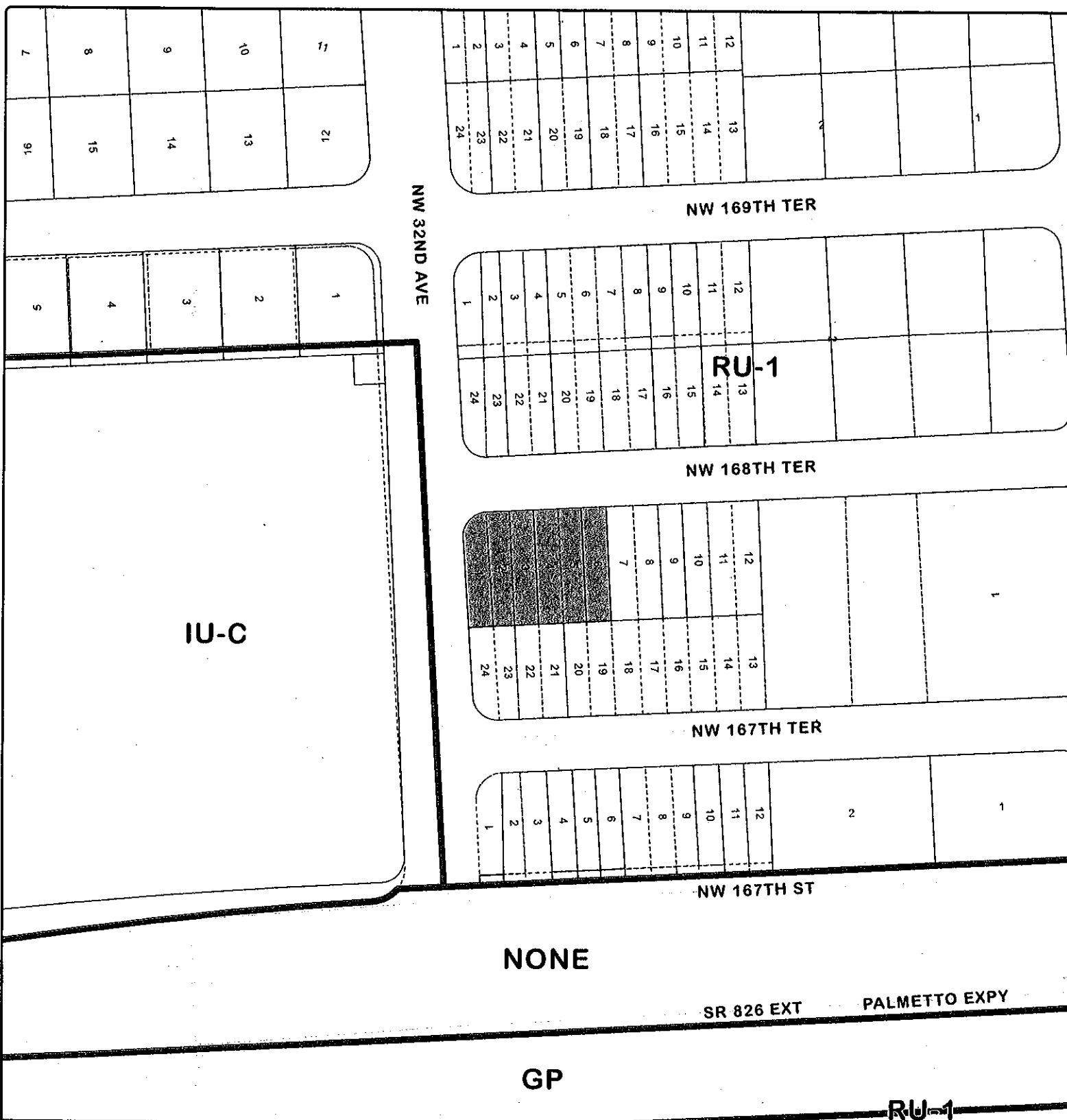
(3) A NON-USE VARIANCE OF SPACING Requirements.

(4) A NON-USE VARIANCE OF PARKING Requirements to permit PARKING spaces and drives WITHIN 25' of the OFFICIAL Right-of-Way-LINE of N.W. 168th TERRACE AND N.W 32nd Ave. (None permitted);

(5) NON-USE VARIANCE OF PARKING Requirements TO ALLOW the church to have 15 PARKING spaces (MINIMUM 33 Required).

George Epps.

HEARING MAP - ZONING



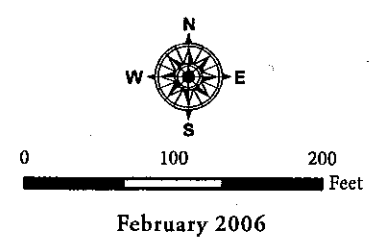
HEARING MAP [ZONING]



City of Miami Gardens
Development Services Department
Planning & Zoning Division

Subject Property
Applicant [Folio: 34.2109.008.0210]
CORNERSTONE COMMUNITY OUTREACH CENTER

Project Location:
3196 NW 168 Terrace
Miami Gardens, FL 33056



HEARING MAP - AERIAL



HEARING MAP: AERIAL



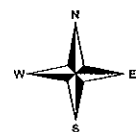
City of Miami Gardens
Planning & Zoning Services



Subject Property

Applicant
Cornerstone Community Outreach Center

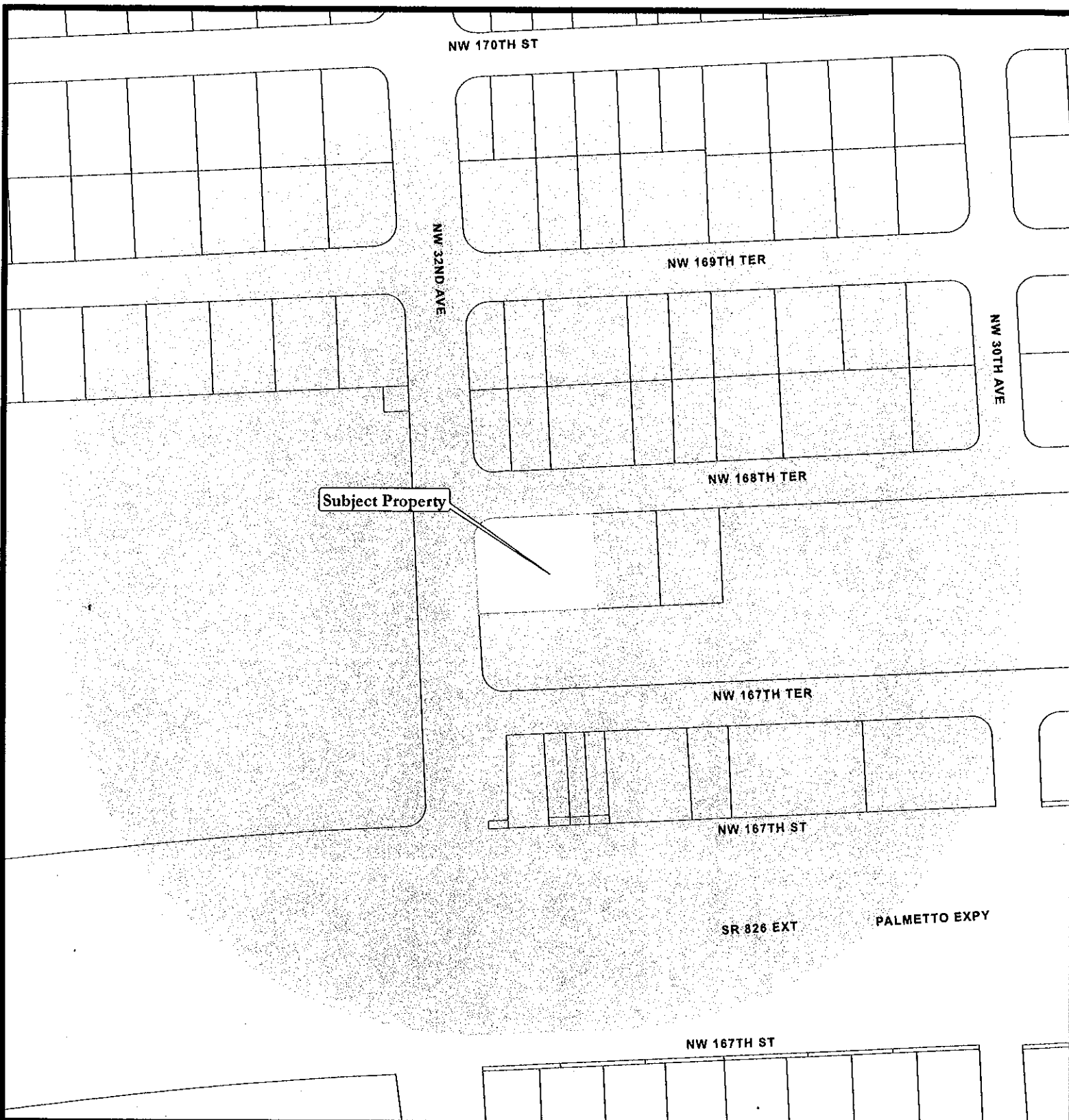
Project Location:
3196 NW 168 TERR
Miami Gardens, FL 33056



1 inch equals 87.5 feet

September 2007

MAILED NOTICE RADIUS MAP



MAILED NOTICE RADIUS MAP

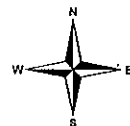


City of Miami Gardens
Planning & Zoning Services

☐ Subject Property

Applicant [Folio: 34.2109.008.0210]
Cornerstone Community Outreach Center

Project Location:
3196 NW 168 TERR
Miami Gardens, FL



1 inch equals 150 feet

January 2007

RESOLUTION 2006-29-375-Z-48

RESOLUTION No. 2006-29-375-Z-48

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, DENYING, WITHOUT PREJUDICE, THE APPLICATION OF GEORGE AND VICTORIA EPPS FOR AN UNUSUAL USE PERMIT TO PERMIT A DAYCARE CENTER IN AN RU-1 ZONE; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT PARKING SPACES AND DRIVES WITHIN 25 FEET OF THE OFFICIAL RIGHT-OF-WAY LINE; A WAIVER OF AUTO-STACKING REQUIREMENTS; A NON-USE VARIANCE OF CLASSROOM SIZE REQUIREMENTS TO ALLOW PROPOSED DAYCARE CENTER TO HAVE A CLASSROOM AREA OF 1,616 SQUARE FEET; A SPECIAL EXCEPTION TO PERMIT A CHURCH IN AN RU-1 ZONE; A NON-USE VARIANCE OF LOT SIZE REQUIREMENTS TO PERMIT A CHURCH TO BE BUILT ON A .35-ACRE SITE; A NON-USE VARIANCE OF LOT FRONTAGE REQUIREMENTS TO PERMIT A CHURCH WITH A LOT FRONTAGE OF 79.94 FEET; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED 7.5 FEET FROM THE SOUTHERLY PROPERTY; A NON-USE VARIANCE OF SPACING REQUIREMENTS TO PERMIT A CHURCH TO BE LOCATED APPROXIMATELY 60.5 FEET FROM THE EASTERLY RESIDENTIAL PROPERTY; A NON-USE VARIANCE OF PARKING REQUIREMENTS TO PERMIT A CHURCH TO HAVE 15 PARKING SPACES; PROVIDING FOR CONDITIONS; PROVIDING FOR THE ADOPTION OF REPRESENTATIONS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, George and Victoria Epps ("Applicant") own certain property located at 3196 Northwest 168th Terrace ("Property"), more particularly described on Exhibit "A," attached hereto, and

WHEREAS, the Applicant seeks the following approval to permit a daycare and a Church on the property:

1. Unusual Use to permit a proposed Daycare Center in an RU-1 zone;
2. Non-Use Variance of Parking Requirements to permit parking spaces and drives within 25 feet of the official right-of-way line of Northwest 168th Terrace and Northwest 32nd Avenue (none permitted);
3. Waiver of Auto-Stacking Requirements for the proposed daycare center (minimum of 4 spaces required as per Section 33-151.18 (1));
4. Non-Use Variance of Classroom Size Requirements to allow the proposed daycare center to have a classroom area of 1,616 square feet (minimum 1,715 square feet required);
5. Special Exception to permit a Church in an RU-1 zone;
6. Non-Use Variance of Lot Size Requirements to permit a Church to be built on a .35-acre site (minimum 2.5 acres required);
7. Non-Use Variance of Lot Frontage Requirements to permit the Church with a lot frontage of 79.94 feet on a public right-of-way (minimum 150 feet required);
8. Non-Use Variance of Spacing Requirements to permit a Church to be located 7.5 feet from the southerly property, which is under different ownership (minimum 50 feet required);

9. Non-Use Variance of Spacing Requirements to permit a Church to be located approximately 60.5 feet from the easterly residential property (minimum 75 feet required);
10. Non-Use Variance of Parking Requirements to allow a Church to have 15 parking spaces (minimum 33 required).

WHEREAS, City Council of the City of Miami Gardens held a public hearing on the Application on March 1, 2006, and

WHEREAS, the City's Planning and Zoning staff has made a determination that the Church would disrupt the integrity and overall welfare of the neighborhood by impeding traffic on the adjacent streets and is, therefore, inconsistent with the goals, policies and objectives of the Comprehensive Development Master Plan, and

WHEREAS, City staff has found that the Daycare Center that is being proposed does not violate the policies of the Comprehensive Development Master Plan, and

WHEREAS, the City's Planning and Zoning staff recommends approval of the Daycare Center, subject to certain conditions, however, recommends denial, without prejudice of the Church, based upon certain findings that are outlined in the staff report, attached hereto as Exhibit "B" and incorporated herein by reference,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS, FLORIDA, AS FOLLOWS:

Section 1. ADOPTION OF REPRESENTATIONS: The foregoing Whereas

Resolution No. 2006-29-375-Z-48

paragraphs are hereby ratified and confirmed as being true, and the same are hereby made a specific part of this Resolution.

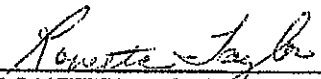
Section 2. DENIAL: The City Council of the City of Miami Gardens hereby denies the Application submitted by the Applicant, without prejudice.

Section 3. EFFECTIVE DATE: This Resolution shall take effect immediately upon its final passage.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF MIAMI GARDENS AT ITS ZONING MEETING HELD ON APRIL 5, 2006.


SHIRLEY GIBSON, MAYOR

ATTEST:


RONETTA TAYLOR, CMC, CITY CLERK

Prepared by SONJA KNIGHTON DICKENS, ESQ.
City Attorney

SPONSORED BY: DANNY O. CREW, CITY MANAGER

MOVED BY: Councilwoman Watson

SECONDED BY: Vice Mayor Braynon

VOTE: 5-0

Mayor Shirley Gibson
Vice Mayor Oscar Braynon, II
Councilman Melvin L. Bratton
Councilman Aaron Campbell

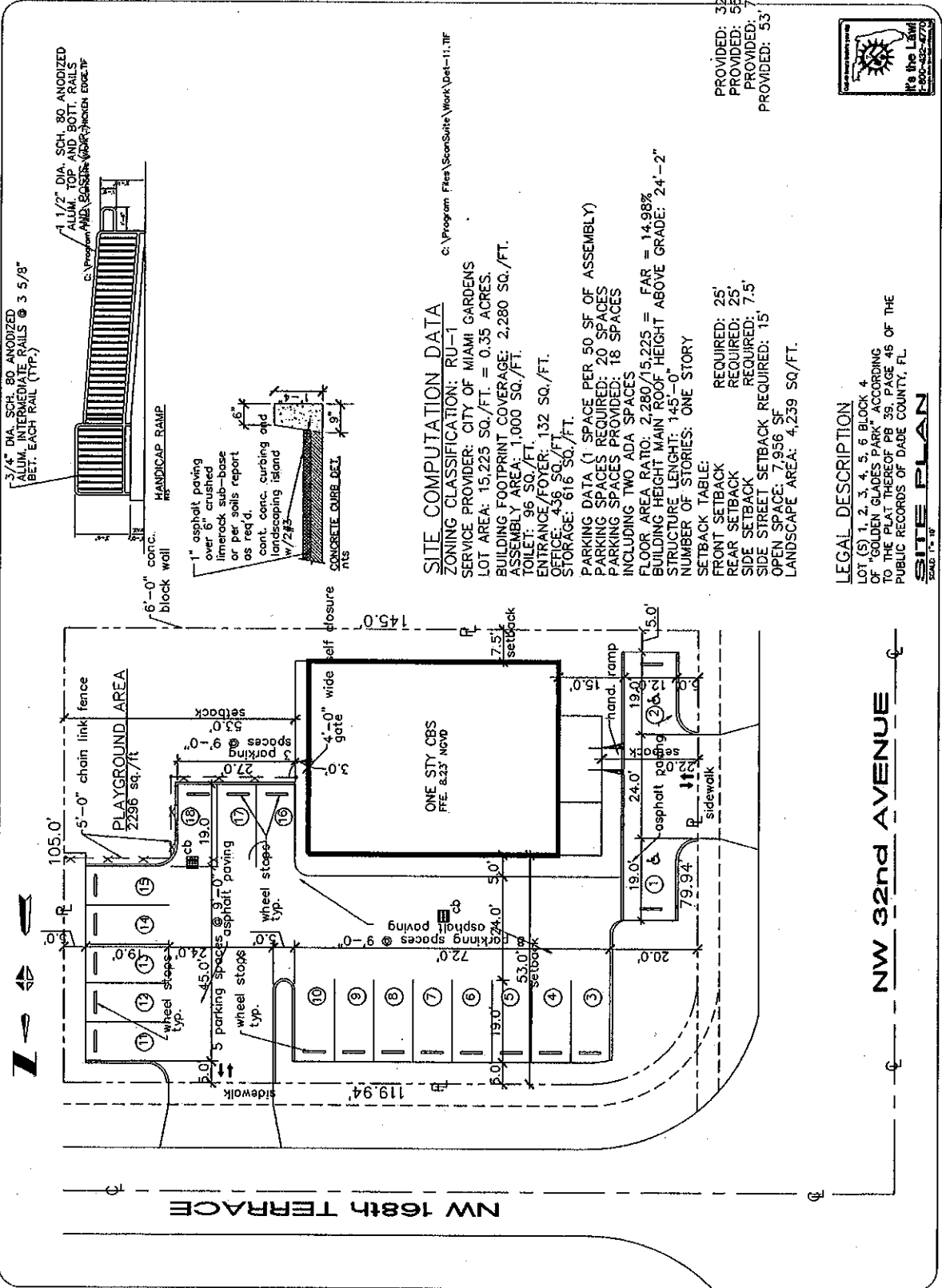
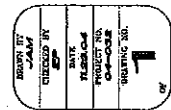
<u>x</u> (Yes)	<u> </u> (No)
<u>x</u> (Yes)	<u> </u> (No)
<u> </u> (Yes)	<u> </u> (No) Not present
<u>x</u> (Yes)	<u> </u> (No)

Resolution No. 2006-29-375-Z-48

Councilman Ulysses Harvard
Councilwoman Sharon Pritchett
Councilwoman Barbara Watson
SKD/bfc
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<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	
<input type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	Not present
<input checked="" type="checkbox"/> (Yes)	<input type="checkbox"/> (No)	

DEVELOPMENT PLANS



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